

Moore
Petsch

Pope

Question—Shall House Bill No. 46 pass to engrossment?

TO GRANT OSCAR FLOWERS PERMISSION TO SUE THE STATE

Mr. Broyles offered the following resolution:

H. C. R. No. 6, To grant Oscar Flowers permission to sue the State.

Whereas, Oscar Flowers in the community of Roddy, Van Zandt County, Texas, claims that workmen who were at work on Highway No. 198, one-fourth ($\frac{1}{4}$) mile East of Roddy, Van Zandt County, Texas, cut brush and grass turfs and threw same on and over his pasture fence; and

Whereas, This action by the Highway Department caused considerable damage to said pasture fence—an estimated damage of Fifty (\$50.00) Dollars; and

Whereas, During the time that this fence was down and before said Oscar Flowers knew of same, one of his three (3) year old horses left said pasture and was run down and killed on Highway No. 198. This horse was in fine condition, weighed about one thousand (1,000) lbs., and should be valued at One Hundred Fifty (\$150.00) Dollars; and

Whereas, Said Oscar Flowers claims that he was put to further damages for reason of being deprived of the use of said horse; and

Whereas, Oscar Flowers claims that he has not been compensated in whole or in part for any of said damages; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Oscar Flowers be, and is hereby, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in order to determine what damage, if any, he suffered, and what compensation, if any, he may be entitled to, and that, in case such suit be filed, service of citation or other necessary process, therein, shall be had upon the State of Texas and the Attorney General of the State of Texas, and that such service shall have the force and effect as service in civil cases in the manner prescribed by law.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

RECESS

On motion of Mr. Colquitt, the House at 6:00 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Counties filed a favorable report on House Bill No. 66.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 25, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutuel wagering system; empowering the county commissioners' court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

FIFTH DAY

(Continued)

(Wednesday, October 30, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

GRANTING OSCAR FLOWERS PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time, House Concurrent Resolution No. 6, by Mr. Broyles, granting Oscar Flowers permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 5, A bill to be entitled "An Act relating to the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants and clerks in district, county and precinct officers; limiting the payment of fees and commissions by the State in certain instances; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities; and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks; etc., and declaring an emergency."

The bill having heretofore been read second time.

The House having agreed to consider the bill section by section.

Mr. Crossley offered the following amendment to the bill:

Amend House Bill No. 46, by striking out "Section 9."

On motion of Mr. Alsup, the amendment was tabled.

Mr. Reed of Bowie moved a call of the House for the purpose of main-

taining a quorum until 12:00 o'clock m., today, and the call was duly ordered.

On motion of Mr. Alsup, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called, and the Speaker announced that there was a quorum present.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 46, by striking out all of lines 39 and 40 on page 7, and line 1 and the word "gallons" in line 2 on page 8 in subsection a, of Section 9, and substituting in lieu thereof the following:

"Section 9. (a) There is hereby levied an occupation tax on oil produced within this State of two (2c) cents per barrel of forty-two (42) standard gallons. Provided, however, that the occupation tax herein levied on oil shall be two (2%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons.

"The market value of oil, as that term is herein used, shall be the actual market value thereof, plus any bonus or premium, or other thing of value paid therefor or which such oil does or will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

"Said tax herein levied shall be in addition to the present occupation tax on oil produced within this State and not in lieu thereof."

REED of Bowie,
ROACH of Hunt.

(Mr. Harris of Dallas in the Chair.)

Mr. Keefe offered the following substitute for the amendment by Mr. Reed of Bowie:

Substitute for amendment to House Bill No. 46, page 7, by striking out lines 39 and 40, and line 1, and in line 2, the word "gallon," page 8, and inserting in lieu thereof the following:

"Section 9. (a) In addition to any other and all other occupation taxes there is hereby levied a graduated occupation tax on all oil produced in this State. Such graduated tax shall be as follows:

"(1) On wells producing ten barrels or less per day, there is hereby levied an additional tax of one-half ($\frac{1}{2}$) cent;

"(2) On wells producing more than ten (10) barrels but less than twenty (20), there is hereby levied an additional tax of one (1) cent.

"(3) On wells producing twenty (20) barrels or more, there is hereby levied an additional tax of two (2) cents per barrel of 42 standard gallons."

Mr. Frazer moved to table the substitute amendment by Mr. Keefe.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Aikin	James
Alexander	Jefferson
Alsup	Jones of Atascosa
Ash	King
Atchison	Knetsch
Bergman	Lanning
Bradbury	Latham
Bradford	Lindsey
Broyles	Lotief
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McConnell
Caldwell	McFarland
Canon	McKee
Celaya	Morse
Collins	Nicholson
Colquitt	Olsen
Colson	Petsch
Cooper	Quinn
Crossley	Reed of Bowie
Davis	Reed of Dallas
Davison of Fisher	Riddle
Davisson	Roach of Angelina
of Eastland	Roane
Dickison	Roark
Dunlap of Hays	Roberts
Dwyer	Rogers
Fain	Russell
Frazer	Scarborough
Gibson	Sessions
Gray	Settle
Hankamer	Stanfield
Hanna	Steward
Harris of Archer	Stinson
Hartzog	Tarwater
Hill	Tennyson
Hodges	Walker
Holland	Wells
Hoskins	Westfall
Howard	Wood of Montague
Hunter	Worley
Jackson	Young

Nays—40

Adamson	Jones of Shelby
Adkins	Keefe
Beck	Lucas
Bourne	Luker
Cagle	Morris
Calvert	Morrison
Craddock	Newton
England	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Reader
Fuchs	Roach of Hunt
Glass	Shofner
Graves	Spears
Greathouse	Stovall
Hardin	Tillery
Head	Venable
Huddleston	Waggoner
Hunt	Wood of Harrison
Jones of Falls	Youngblood

Present—Not Voting

Herzik	Thornton
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Absent

Clayton	Lange
Cowley	Leath
Dunagan	Lemens
Duvall	McKinney
Fox	Moffett
Good	Padgett
Harris of Dallas	Rutta
Hofheinz	Smith
Jones of Wise	

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Pope
Hyder	

PAIRED

Mr. Thornton (present), who would vote "yea," with Mr. Jones of Wise (absent), who would vote "nay."

Mr. Greathouse offered the following amendment to the amendment by Mr. Reed of Bowie:

Amend Reed of Bowie amendment by striking out the words "two cents" and substitute in lieu thereof the words "three cents."

GREATHOUSE,
SMITH,
FARMER,
FAIN.

(Speaker in the Chair.)

Mr. Lucas moved the previous question on the pending amendments to Section 9, and Section 9 of House

Bill No. 46, and the main question was ordered.

Question recurring on the amendment by Mr. Greathouse to the amendment by Mr. Reed of Bowie, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—49

Adamson	King
Adkins	Lemens
Alsup	Lucas
Beck	Luker
Bourne	Morris
Burton	Morrison
Cagle	Newton
Calvert	Palmer
Craddock	Patterson
Dickison	Payne
England	Reader
Fain	Reed of Bowie
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Fuchs	Shofner
Glass	Smith
Greathouse	Spears
Head	Stovall
Herzik	Venable
Hofheinz	Waggoner
Huddleston	Westfall
Hunt	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Youngblood
Keefe	

Nays—76

Aikin	Good
Alexander	Graves
Atchison	Gray
Bergman	Hankamer
Bradbury	Hanna
Broyles	Harris of Archer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Canon	Hill
Celaya	Hodges
Clayton	Holland
Collins	Hoskins
Colquitt	Howard
Colson	Hunter
Cooper	Jackson
Cowley	James
Crossley	Jones of Atascosa
Davis	Knetsch
Davison of Fisher	Lanning
Davison	Latham
of Eastland	Lindsey
Dunlap of Hays	Lotief
Dwyer	Mauritz
Ford	McCalla
Frazer	McConnell
Gibson	McFarland

McKee	Sessions
McKinney	Settle
Morse	Stanfield
Nicholson	Steward
Petsch	Stinson
Quinn	Tarwater
Reed of Dallas	Tennyson
Riddle	Tillery
Roane	Walker
Roark	Wells
Roberts	Worley
Rogers	Young
Scarborough	

Present—Not Voting

Russell	Thornton
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Absent

Ash	Jones of Wise
Bradford	Lange
Caldwell	Leath
Dunagan	Moffett
Duvall	Olsen
Fox	Padgett
Hardin	Rutta
Jefferson	

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Pope
Hyder	

PAIRED

Mr. Russell (present), who would vote "yea," with Mr. Dunagan (absent), who would vote "nay."

Mr. Thornton (present), who would vote "nay," with Mr. Jones of Wise (absent), who would vote "yea."

Mr. Russell offered the following amendment to the amendment by Mr. Reed of Bowie:

Amend Reed of Bowie amendment by striking out the words and figures "two (2)" wherever they appear and substitute in lieu thereof the following:

"One (1)."

Question recurring on the amendment by Mr. Russell, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47

Adamson	Dickison
Alsup	England
Beck	Fisher
Bradbury	Fuchs
Calvert	Gray
Canon	Hardin

Hodges	Reed of Bowie
Hofheinz	Roach of Hunt
Holland	Roane
Jefferson	Russell
Jones of Falls	Sessions
Jones of Shelby	Settle
Keefe	Spears
King	Stovall
Lemens	Tarwater
Lindsey	Venable
Luker	Waggoner
McCalla	Wells
Morris	Westfall
Morrison	Wood of Harrison
Newton	Wood of Montague
Payne	Young
Quinn	Youngblood
Reader	

Nays—77

Adkins	Head
Aikin	Hill
Alexander	Hoskins
Atchison	Huddleston
Bergman	Hunt
Bourne	Hunter
Broyles	Jackson
Burton	James
Butler of Brazos	Jones of Atascosa
Butler of Karnes	Knetsch
Cagle	Lanning
Caldwell	Latham
Celaya	Leonard
Clayton	Lotief
Collins	Lucas
Colquitt	Mauritz
Colson	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	Nicholson
Crossley	Olsen
Davis	Palmer
Davison of Fisher	Patterson
Davison	Petsch
of Eastland	Reed of Dallas
Dwyer	Riddle
Fain	Roach of Angelina
Farmer	Roberts
Ford	Rogers
Frazer	Scarborough
Gibson	Shofner
Glass	Smith
Good	Stanfield
Greathouse	Steward
Hankamer	Stinson
Hanna	Tennyson
Harris of Archer	Tillery
Harris of Dallas	Walker
Hartzog	Worley

Present—Not Voting

Herzik	Thornton
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Absent

Ash	Lange
Bradford	Leath
Dunagan	McKinney
Dunlap of Hays	Moffett
Duvall	Morse
Fox	Padgett
Graves	Roark
Howard	Rutta
Jones of Wise	

Absent—Excused

Daniel	Hyder
Dunlap of Kleberg	Moore
Fitzwater	Pope

PAIRED

Mr. Thornton (present), who would vote "nay," with Mr. Jones of Wise (absent), who would vote "yea."

Question recurring on the amendment by Mr. Reed of Bowie, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—50

Adamson	Keefe
Adkins	King
Alsup	Lemens
Beck	Lucas
Bourne	Luker
Burton	Morris
Cagle	Newton
Calvert	Olsen
Craddock	Palmer
Dickison	Patterson
England	Payne
Fain	Reader
Farmer	Reed of Bowie
Fisher	Roach of Angelina
Glass	Roach of Hunt
Graves	Shofner
Greathouse	Spears
Hardin	Stovall
Head	Tarwater
Herzik	Tillery
Hodges	Venable
Huddleston	Waggoner
Hunt	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague

Nays—76

Aikin	Broyles
Alexander	Butler of Brazos
Ash	Butler of Karnes
Atchison	Caldwell
Bergman	Canon
Bradbury	Celaya
Bradford	Clayton

Collins	Knetsch
Colquitt	Lanning
Colson	Latham
Cooper	Lindsey
Cowley	Lotief
Crossley	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKee
Dunlap of Kleberg	McKinney
Dwyer	Morse
Ford	Nicholson
Frazer	Petsch
Fuchs	Quinn
Gibson	Reed of Dallas
Good	Riddle
Gray	Roane
Hankamer	Roark
Hanna	Roberts
Harris of Archer	Rogers
Harris of Dallas	Scarborough
Hartzog	Sessions
Hill	Settle
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Hunter	Tennyson
Jackson	Walker
James	Wells
Jefferson	Worley
Jones of Atascosa	

Present—Not Voting

Russell	Thornton
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Absent

Dunagan	Moffett
Dunlap of Hays	Morrison
Duvall	Padgett
Fox	Rutta
Howard	Smith
Jones of Wise	Young
Lange	Youngblood
Leath	

Absent—Excused

Daniel	Leonard
Fitzwater	Moore
Hyder	Pope

PAIRED

Mr. Thornton (present), who would vote "nay," with Mr. Jones of Wise (absent), who would vote "yea."

Mr. Russell (present), who would vote "yea," with Mr. Dunagan (absent), who would vote "nay."

Mr. Hunt offered the following amendment to the bill:

Amend House Bill No. 46, Section 9 (a), by striking out the words and

figures "one-half of one (1) cent" wherever it appears, and insert in lieu the words and figures "three-fourths of one cent."

Question recurring on the amendment by Mr. Hunt, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—59

Adamson	King
Adkins	Lemens
Alsup	Lindsey
Beck	Lucas
Bourne	Luker
Bradbury	McCalla
Broyles	McConnell
Burton	Morrison
Cagle	Newton
Calvert	Palmer
Canon	Patterson
Craddock	Payne
Davison of Fisher	Reader
Dickison	Reed of Bowie
England	Roach of Angelina
Fain	Roach of Hunt
Farmer	Sessions
Ford	Settle
Glass	Shofner
Graves	Spears
Gray	Stovall
Greathouse	Tarwater
Hardin	Tillery
Hodges	Venable
Hofheinz	Waggoner
Huddleston	Wells
Hunt	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Keefe	

Nays—66

Aikin	Dunlap of Kleberg
Alexander	Dwyer
Ash	Fisher
Atchison	Frazer
Bergman	Gibson
Bradford	Good
Butler of Brazos	Hankamer
Butler of Karnes	Hanna
Caldwell	Harris of Archer
Celaya	Harris of Dallas
Clayton	Hartzog
Collins	Hill
Colquitt	Holland
Colson	Hoskins
Cooper	Hunter
Cowley	Jackson
Crossley	James
Davis	Jefferson
Davisson	Jones of Atascosa
of Eastland	Knetsch

Lanning	Roark
Latham	Roberts
Leonard	Rogers
Lotief	Scarborough
Mauritz	Smith
McFarland	Stanfield
McKee	Steward
McKinney	Stinson
Nicholson	Tennyson
Petsch	Walker
Quinn	Worley
Reed of Dallas	Young
Riddle	Youngblood
Roane	

Present—Not Voting

Herzik	Thornton
Russell	

Absent

Dunagan	Lange
Dunlap of Hays	Leath
Duvall	Moffett
Fox	Morris
Fuchs	Morse
Head	Olsen
Howard	Padgett
Jones of Wise	Rutta

Absent—Excused

Daniel	Moore
Fitzwater	Pope
Hyder	

PAIRED

Mr. Russell (present), who would vote "yea," with Mr. Dunagan (absent), who would vote "nay."

Mr. Thornton (present), who would vote "nay," with Mr. Jones of Wise (absent), who would vote "yea."

Mr. Lindsey offered the following amendment to the bill:

Amend Section 9 to House Bill No. 46, by adding these words in line 40, page 8, to-wit:

"It is the Legislative intent that this section of this Act shall be cumulative of any law now in effect in this State on the same subject."

The amendment was adopted.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 46, page 7, Section 9, by striking out words "an occupation" and insert in lieu thereof the word "production" in line 40 thereof; also insert after the word "gallons" line 2, page 8, the following:

"One-fourth thereof to be placed in the General Fund and three-fourths

to be placed in the Old Age Assistance Fund."

The amendment was adopted.

Question—Shall House Bill No. 46 pass to engrossment?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Executive Office,

Austin, Texas, October 30, 1935.

To the Members of the Forty-fourth Legislature.

(In Second Called Session):

I congratulate you upon the progress you are making and the evident diligence of a vast majority of the membership of both Houses in attending to the people's program.

Both Houses have passed an old age pension bill, and it is now in free conference. Of course, revenues to support same have not been provided, but various tax measures are pending in the House, and the Senate cannot act on same until a tax bill comes from the House. The salary bill has been before both Houses and will likely go to conference shortly.

Liquor Regulation

In view of the progress made and the urgent necessity for prompt and effective action, I hereby submit to you the matter of carrying out the people's will by proper regulation of the liquor traffic.

Since long committee hearings were held during the First Called Session and these matters were thoroughly thrashed out, I trust there will be no undue delay in this legislation. Failure to act not only leaves the liquor traffic unregulated, but is costing the State conservatively at least \$10,000.00 a day in revenues which should be applied toward retiring the present State deficit and to provide funds for old age assistance.

Local and Uncontested Bills

During the First Called Session I submitted to you a number of local and uncontested bills of tremendous importance to various subdivisions of the Government. These bills did not require a great deal of time and most of them were disposed of in night sessions. A number of additional matters have arisen, which I trust will

be disposed of without contest and, if possible, at night sessions for the purpose. I therefore submit to you the following specific matters (and this submission is expressly limited to the matters enumerated).

1

At the request of the Centennial Commission of Control, I submit the matter of authorizing the condemnation of sites for the construction of centennial buildings, monuments and other centennial celebration purposes.

2

House bill by Bourne to authorize the refunding of warrants and scrip for Red River County.

3

House bill by Rogers, of Ochiltree, validating and approving all actions and proceedings of the commissioners court and the county judge in the matter of the creation and incorporation of wind erosion conservation districts.

4

A bill to authorize the application of library fees, student activity fees, athletic fees, hospital or health fees, to the payment of bonded or mortgage indebtedness that may be contracted by the governing boards of several of the State educational institutions, provided the amount of each of such fees shall never exceed \$2.00 for any one semester and \$2.00 for any summer term, and that no athletic fees shall be charged or collected except from students using the athletic facilities of the institution.

This bill is submitted for the same purposes as other bills submitted to you dealing with local institutions so as to meet the obligations of various Federal agencies where loans have been tentatively approved subject to these corrective measures.

5

A local school bill by Dickison, of Bexar, authorizing school trustees in counties of not less than 290,000 or more than 320,000 people to issue interest bearing warrants in payment of salaries of employees.

6

A local bill for Jones County, by Lindsey, dealing with traveling expenses for members of the commissioners court.

7

A bill by Harris of Archer, and Lemens to authorize the payment of salaries of ex-officio county superintendents from the county available school fund rather than the general fund.

Drivers' License Law

In connection with liquor regulation and in view of the alarmingly increasing fatalities on our public highways, I submit to you the matter of a drivers' license, or drivers' regulation law.

Any such act will not, of course, be perfect, and will not entirely eliminate injuries and accidents. If it will even tend to reduce them, however, the passage of such a law will be a signal accomplishment for this Legislature.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Hyder was granted leave of absence, for today, on account of important business, on motion of Mr. Cooper.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McKinney:

H. B. No. 67, A bill to be entitled "An Act authorizing the condemnation of certain private land or lands for the restoration, preservation or marking of historic spots in Texas by the Commission of Control for the Texas Centennial Celebrations; prescribing the procedure therefor; providing that such proceedings shall be brought in the name of the State of Texas by the Attorney General of Texas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Bourne:

H. B. No. 68, A bill to be entitled "An Act creating a special road law for Red River County, Texas, providing that said county may fund or refund the indebtedness outstanding

against its road and bridge fund as of October 23, 1935, by issuance of funding bonds, and setting forth the method of operation; etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Rogers:

H. B. No. 69, A bill to be entitled "An Act validating and approving all acts and proceedings of county commissioners courts and the county judge in the matter of the creation and incorporation of wind erosion conservation districts in their said counties, which were authorized to be created under the provisions of Chapter 337, Acts, Regular Session, Forty-fourth Legislature, and validating and approving all elections held under the provisions of said law where the returns of said elections show that a majority of the legally qualified property tax-paying voters of said counties voting at said elections favored the creation of such districts; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. McKinney, Mr. Fisher, Mr. Dunlap of Hays, Mr. Young, Mr. Morse, Mr. King, Mr. McCalla, Mr. Howard, Mr. Stanfield, Mr. Hyder, Mr. Smith, Mr. Cooper, Mr. Payne, Mr. Settle and Mr. Dickison:

H. B. No. 70, A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasias, athletic buildings and stadia; etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Dickison:

H. B. No. 71, A bill to be entitled "An Act authorizing school trustees in all counties of the State, having a population of not less than two hundred ninety thousand (290,000) or more than three hundred twenty thousand (320,000) inhabitants according to the last preceding Federal census to issue interest bearing war-

rants in payment of salaries of employees; specifying that the rate of interest shall not exceed four per cent (4%) per annum; limiting the amount of warrants to be issued; etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Lindsey:

H. B. No. 72, A bill to be entitled "An Act authorizing the commissioners court in any county having a population of not less than 24,200 and not more than 24,500, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with official business; providing the funds, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harris of Dallas, Mr. Dunagan, Mr. Cooper, Mr. Dickison, Mr. Reed of Dallas, Mr. Davisson of Eastland, Mr. Smith, Mr. Thornton, Mr. Steward, Mr. Collins, Mr. Jackson, Mr. Morris, Mr. Burton, Mr. Jefferson, Mr. Youngblood, Mr. Hanna, Mr. Butler of Brazos, Mr. Hyder, Mr. Adamson, Mr. Harris of Archer, Mr. Olsen, Mr. Stinson, Mr. Shofner, Mr. Atchison, Mr. Hankamer, Mr. Hartzog, Mr. Dunlap of Kleberg, Mr. Canon, Mr. Hodges, Mr. McKee, Mr. Leath, Mr. Morse, Mr. Fuchs, Mr. Colquitt, Mr. Reader, Mr. Young, Mr. Ford, Mr. Fisher, Mr. McCalla, Mr. Howard, Mr. Riddle, Mr. Jones of Falls, Mr. Ash, Mr. Hofheinz, Mr. Palmer, Mr. Cagle, Mr. England, Mr. Patterson, Mrs. Moore, Mr. Westfall, Mr. Hill, Mr. Hoskins, Mr. Nicholson, Mr. Dwyer, Mr. Payne, Mr. Holland, Mr. Duvall, Mr. Spears, Mr. Clayton, Mr. Alexander, Mr. Roach of Angelina, Mr. Graves, Mr. Cowley, Mr. McFarland, Mr. Scarborough, Mr. Fox, Mr. Waggoner, Mr. Settle, Mr. Celaya, Mr. Lotief, Mr. Petsch, Mr. Dunlap of Hays, Mr. Lange, Mr. Hunter, Mr. Bergman, Mr. Quinn, Mr. Davison of Fisher and Mr. Padgett:

H. B. No. 73, A bill to be entitled "An Act to provide for the licensing of all motor vehicle operators; defining certain terms; providing for administration by the Department of Public Safety of the State of Texas; making certain exemptions from the provisions of the Act and prohibiting

licensing of certain afflicted and under-age persons; prescribing special age limits for drivers of school buses and public passenger-carrying vehicles; prescribing manner and content of application for license, and special instruction permits; etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Walker:

H. B. No. 74, A bill to be entitled "An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; providing for instruction permits; making provision for non-resident drivers; etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Hunt and Mr. Good (by request):

H. B. No. 75, A bill to be entitled "An Act providing relief for the Green Pond Common School District No. 86, and for the Sandifer Common School District No. 84 of Hopkins County, Texas, in order to aid said school districts to pay indebtedness for rebuilding their schools which were destroyed by fire, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Lucas, Mr. Leath, Mr. Hardin, Mr. Butler of Brazos, Mr. Farmer, Mr. Tillery, Mr. Huddleston, Mr. Adkins, Mr. Scarborough, Mr. Cagle, Mr. Glass, Mr. Jones of Shelby, Mr. Lotief, Mr. Davisson of Eastland, Mr. Olsen, Mr. Rutta, Mr. Worley and Mr. Colson:

H. B. No. 76, A bill to be entitled "An Act appropriating \$5,000,000.00 out of the General Revenue Fund of the State Treasury into the Old Age Assistance Fund in the State Treasury for the purpose of paying old age assistance as provided for; fixing the effective date of this Act, and declaring an emergency."

Referred to the Committee on Appropriations.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 5, to the Committee on Counties.

RECESS

On motion of Mr. Harris of Dallas, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

BILL ORDERED NOT PRINTED

On motion of Mr. Dickison, House Bill No. 71, was ordered not printed.

MESSAGE FROM THE SENATE

Austin, Texas, October 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 6, Granting Oscar Flowers the right to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following members were granted leaves of absence for this afternoon, on account of important committee work on House Bill No. 26:

Messrs. Morrison, Gray, Russell, Calvert and Jones of Atascosa.

Mr. Head was granted leave of absence for the afternoon, on account of important business, on motion of Mr. Wells.

HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 46, relative to levying and imposing certain occupation taxes.

The bill having heretofore been read second time.

Mr. Reed of Bowie moved that the House Rule relative to debate be suspended, and that debate on House Bill No. 46, be limited to five minutes for each speaker.

Mr. Dunagan moved as a substitute motion for the motion by Mr. Reed of Bowie that debate on House Bill No. 46, be limited to three minutes for each speaker.

Question first recurring on the substitute motion by Mr. Dunagan, it prevailed.

Question then recurring on the motion by Mr. Reed of Bowie as substituted, it was lost.

Mr. McCalla offered the following amendment to the bill:

Amend House Bill No. 46, by striking out, on Page 9, all of "Section 10."

On motion of Mr. Frazer, the amendment was tabled.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46, as follows:

Add a new section on page 9 to be numbered "Section 10a" to read as follows:

"Section 10a. From every person, agent, receiver, trustees, firm, corporation, association or copartnership opening, establishing, operating or maintaining places of business engaged exclusively in the storing, selling, or distributing of the petroleum products and the servicing of motor vehicles at establishments within this State, under the same general management, or ownership there shall be collected occupation taxes as hereinafter prescribed for the privilege of opening, establishing, operating, or maintaining such establishments. The occupation tax herein prescribed shall be paid annually, and shall be in addition to all other taxes now levied and assessed.

"Such occupation taxes herein prescribed shall be collected as follows:

"1. Upon one such establishment no occupation tax shall be levied and collected;

"2. Upon each additional establishment in excess of one but not to exceed three the occupation tax shall be six dollars;

"3. Upon each additional establishment in excess of three but not to exceed five the occupation tax shall be twenty-five dollars;

"4. Upon each additional establishment in excess of five but not to exceed ten the occupation tax shall be fifty dollars;

"5. Upon each additional establishment in excess of ten but not to exceed twenty the occupation tax shall be one hundred fifty dollars;

"6. Upon each additional establishment in excess of twenty but not to exceed thirty-five the occupation tax shall be two hundred fifty dollars;

"7. Upon each additional establishment in excess of thirty-five the occupation tax shall be five hundred dollars."

Mr. Nicholson moved to table the amendment by Mr. Farmer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—51

Adamson	Jackson
Aikin	James
Alexander	King
Atchison	Lange
Bergman	Latham
Bradford	Leath
Broyles	Leonard
Butler of Karnes	McCalla
Caldwell	McKee
Canon	Morse
Clayton	Newton
Collins	Nicholson
Cooper	Petsch
Cowley	Quinn
Dunagan	Reed of Dallas
Dunlap of Hays	Riddle
Dwyer	Roach of Angelina
Gibson	Roane
Good	Scarborough
Hankamer	Settle
Hanna	Smith
Harris of Dallas	Steward
Hill	Stinson
Holland	Thornton
Hoskins	Wells
Howard	

Nays—61

Adkins	Burton
Alsup	Cagle
Ash	Colson
Beck	Craddock
Bourne	Crossley
Bradbury	Davis

Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
England	Luker
Fain	McConnell
Farmer	McFarland
Fisher	Morris
Ford	Olsen
Frazer	Padgett
Glass	Palmer
Greathouse	Patterson
Hardin	Reed of Bowie
Hartzog	Roach of Hunt
Herzik	Roark
Hodges	Rutta
Hofheinz	Sessions
Huddleston	Spears
Hunt	Tarwater
Hunter	Tillery
Jefferson	Venable
Jones of Falls	Waggoner
Jones of Shelby	Westfall
Keefe	Wood of Harrison
Lanning	Wood of Montague
Lemens	Youngblood

Present—Not Voting

Mauritz

Absent

Butler of Brazos	Moffett
Celaya	Payne
Colquitt	Reader
Davison of Fisher	Roberts
Dunlap of Kleberg	Rogers
Duvall	Shofner
Fox	Stanfield
Fuchs	Stovall
Graves	Tennyson
Harris of Archer	Walker
Jones of Wise	Worley
Knetsch	Young
McKinney	

Absent—Excused

Calvert	Jones of Atascosa
Daniel	Moore
Fitzwater	Morrison
Gray	Pope
Head	Russell
Hyder	

Question then recurring on the amendment by Mr. Farmer, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas 60, nays 61.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—58

Alsup	Knetsch
Beck	Lanning
Bourne	Lemens
Bradbury	Lindsey
Burton	Lucas
Cagle	Luker
Craddock	McConnell
Crossley	Olsen
Davis	Padgett
Dickison	Palmer
Dunlap of Hays	Patterson
England	Reed of Bowie
Fain	Roach of Angelina
Farmer	Roach of Hunt
Ford	Roark
Frazer	Rogers
Glass	Sessions
Greathouse	Shofner
Hardin	Spears
Harris of Archer	Stovall
Hodges	Tarwater
Hofheinz	Tillery
Huddleston	Venable
Hunt	Waggoner
Jefferson	Walker
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Keefe	Wood of Montague
King	Youngblood

Nays—61

Adamson	Hoskins
Aikin	Howard
Alexander	Hunter
Ash	Jackson
Atchison	James
Bergman	Latham
Bradford	Leath
Broyles	Leonard
Butler of Karnes	McCalla
Caldwell	McFarland
Canon	McKee
Celaya	Morris
Clayton	Morse
Collins	Newton
Colson	Nicholson
Cooper	Petsch
Cowley	Quinn
Davisson	Reed of Dallas
of Eastland	Riddle
Dunagan	Roane
Dunlap of Kleberg	Roberts
Duvall	Rutta
Dwyer	Scarborough
Gibson	Settle
Good	Smith
Hankamer	Steward
Hanna	Stinson
Harris of Dallas	Tennyson
Hartzog	Thornton
Hill	Wells
Holland	Young

Present—Not Voting

Mauritz

Absent

Adkins	Jones of Wise
Butler of Brazos	Lange
Colquitt	Lotief
Davison of Fisher	McKinney
Fisher	Moffett
Fox	Payne
Fuchs	Reader
Graves	Stanfield
Herzik	Worley

Absent—Excused

Calvert	Jones of Atascosa
Daniel	Moore
Fitzwater	Morrison
Gray	Pope
Head	Russell
Hyder	

The Speaker announced that the amendment was lost.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 46, page 10, line 3, Section 11, subsection 1, by striking out the words and figures "fifty-one (51c) cents" and insert in lieu thereof the words and figures "thirty-six (36c) cents."

On motion of Mr. Frazer, the amendment was tabled.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46, Section 11, as follows: change line 40 on page 9 and lines 1, 2 and 3 on page 10 to read as follows:

"1. A tax of one-half of one per cent on each paid admission to theatres, motion picture theatres, operas, and like amusements."

On motion of Mr. Frazer, the amendment was tabled.

Mr. Hardin offered the following amendment to the bill:

Amend House Bill No. 46, page 10, line 3, by striking out the words and figures "fifty-one (51c) cents" and insert in lieu thereof the words and figures "forty (40c) cents."

On motion of Mr. Frazer, the amendment was tabled.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 46, page 9, Section 11 (a), line 37, by adding after the word "halls" the following:

"Section 1a. The words 'Dance Hall' when used in this Act shall mean any place where six or more persons gather for the purpose of dancing, provided this shall not apply to private homes where no admission fees are charged and where nothing is sold for profit.

"Section 2a. Any person, firm or corporation, desiring to engage in the operation of a dance hall, in club rooms or elsewhere, shall hereafter be required to apply for and secure a license from the State Comptroller of Public Accounts of the State of Texas, before operating such dance hall.

"Section 3a. There is hereby levied and imposed upon each person, firm or corporation operating a dance hall as herein defined an annual occupation tax of \$25.00."

The amendment was adopted.

Mr. Knetsch moved to reconsider the vote by which the amendment was adopted.

Mr. Reed of Bowie moved to table the motion by Mr. Knetsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—81

Adkins	Hunter
Cagle	James
Cowley	Jones of Falls
Craddock	Jones of Wise
Davis	Keefe
Davisson	Lotief
of Eastland	Lucas
Dunlap of Hays	Morris
England	Palmer
Fain	Quinn
Fisher	Reed of Bowie
Frazer	Roark
Glass	Tillery
Greathouse	Westfall
Hardin	Wood of Montague
Huddleston	Worley

Nays—93

Adamson	Broyles
Aikin	Burton
Alexander	Butler of Karnes
Alsup	Caldwell
Ash	Canon
Atchison	Celaya
Beck	Clayton
Bergman	Collins
Bourne	Colson
Bradbury	Cooper
Bradford	Crossley

Davison of Fisher	McKinney
Dickison	Moffett
Dunagan	Morse
Duvall	Newton
Dwyer	Nicholson
Farmer	Olsen
Ford	Padgett
Gibson	Patterson
Hankamer	Petsch
Hanna	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roach of Angelina
Hartzog	Roach of Hunt
Herzik	Roane
Hill	Roberts
Hodges	Rogers
Hofheinz	Rutta
Holland	Scarborough
Hoskins	Sessions
Howard	Settle
Hunt	Shofner
Jackson	Smith
Jefferson	Stanfield
King	Stinson
Knetsch	Stovall
Lanning	Tarwater
Latham	Tennyson
Leath	Thornton
Lemens	Venable
Leonard	Waggoner
Lindsey	Walker
Mauritz	Wells
McCalla	Wood of Harrison
McConnell	Young
McFarland	Youngblood
McKee	

Absent

Butler of Brazos	Jones of Shelby
Colquitt	Lange
Dunlap of Kleberg	Luker
Fox	Payne
Fuchs	Reader
Good	Spears
Graves	Steward

Absent—Excused

Calvert	Jones of Atascosa
Daniel	Moore
Fitzwater	Morrison
Gray	Pope
Head	Russell
Hyder	

Question recurring on the motion by Mr. Knetsch, to reconsider the vote by which the amendment by Mr. Reed of Bowie was adopted, it prevailed.

Question recurring on the amendment by Mr. Reed of Bowie, it was lost.

Mr. Dunagan offered the following amendment to the bill:

Amend House Bill No. 46, by striking out subsection 6 of Section 11, page 10.

DUNAGAN,
WELLS.

The amendment was adopted.

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 46, pages 10 and 11, by striking out Section 12 and inserting in lieu thereof the following:

"A tax equivalent to one-fifth (1-5) of one cent (1-5c) per each one thousand (1,000) cubic feet on all such gas so produced or imported by such producer and/or producers, and on all gas imported into the State shall be upon the first sale thereof in intrastate commerce."

"(b) Every person who imports natural and/or casinghead gas into this State and thereafter sells the same in intrastate commerce shall be subject to the tax only when such gas is imported into this State from another State which does not levy a severance or occupation tax.

"Section 2 (a) The term 'producer' as used in this Act shall include every individual, company, corporation, or association of individuals producing natural gas and/or casinghead gas, within the State of Texas, which term, however, shall not be construed to include any individual, corporation, or association of individuals, having a royalty interest in any such gas producing properties within the State of Texas where such properties have been leased and royalty interest sold or retained therein. The producer, however, shall be required to file the reports herein provided and pay the tax herein imposed upon all the gas produced from any well or wells within the State of Texas, regardless of whether or not any other individual, corporation, or association of individuals shall own an interest therein.

"(b) The term 'Importer' of natural gas and/or casinghead gas as used in this Act shall include every individual, company, corporation, or association of individuals importing natural gas and/or casinghead gas and selling same in intrastate commerce into the State of Texas from any State which does not levy a severance or occupation tax on gas produced.

"Sec. 3. Each producer and/or importer shall be required to file a re-

port with the Comptroller of Public Accounts of the State of Texas, sworn to by such producer and/or importer before an officer authorized to administer oaths in this State, or if such producer and/or importer be other than an individual, such report must be sworn to by its president, secretary, or duly authorized agent on such forms as the Comptroller of Public Accounts shall prescribe, showing the total amount of gas produced and/or imported during the next preceding quarter; and, at the time of making said quarterly report shall pay to the Comptroller of Public Accounts of the State of Texas by legal tender made payable to the State Treasurer, the tax herein imposed upon all such gas produced and/or imported within the State of Texas, during such preceding quarter, the first of said reports herein required shall be filed with the Comptroller of Public Accounts of the State of Texas, and the tax paid not later than the twenty-fifth day of April, Nineteen Hundred Thirty-five, and on the twenty-fifth day of each succeeding July, October, January and April thereafter.

"Section 4. All producers and/or importers of gas or any individual corporation, or association of individuals transporting any gas for hire or for themselves, or any purchaser of gas from any producer within the State of Texas, shall be required to keep in Texas a complete and accurate account of all gas produced, sold, purchased or transported, showing the date produced, sold, purchased, received or transported, by whom sold, purchased, produced, transported, received, delivered or sold, with the description of the properties from which such gas was produced, which record shall be open to the inspection of the Comptroller of Public Accounts of the State of Texas, the Attorney General, or their duly authorized agents and representatives.

"Section 5. Each individual, corporation, or association of individuals who purchases, transports, or in any manner receives any gas from any producer within the State of Texas, shall be required to file on the twenty-fifth day of April, July, October and January, each year, a sworn report with the Comptroller of Public Accounts of the State of Texas, showing the amount of gas purchased, transported

and received from any such producer within the State of Texas, during the next preceding quarter, including the name and address of such producer, together with a description of the properties from which such gas was produced and the location thereof.

"Section 6. Whoever shall as a producer, importer, or as agent or representative of any such producer, importer, purchaser, or transporter of any gas within the State of Texas, knowingly make any false entries or fail to make any proper entries in the records required to be kept by this Act with intent to defraud the State of Texas; or whoever as such shall knowingly make a false or incomplete report as required by this Act, or whoever as such shall knowingly fail or refuse to make the reports required to be made by this Act, or whoever as such shall destroy, mutilate or secrete any of the records required to be kept by the provisions of this Act, with the intent to defraud the State, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than One Hundred (\$100.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars.

"Section 7. (a) If, for any reason, the producer and/or importer of any gas within the State of Texas, subject to the tax herein imposed shall fail or refuse to file the reports and pay the tax herein provided within the time herein prescribed, such producer and/or importer shall become delinquent and a penalty of ten (10%) per cent on the total amount of tax due shall be added and such tax and penalty shall bear interest at the rate of six (6%) per cent per annum from the due date until paid.

"(b) If any producer and/or importer shall fail to remit the proper taxes, penalties, and interests due, or any of them, the Comptroller may employ auditors or other persons to ascertain the correct amount due and the producer shall be liable as an additional penalty, for the reasonable expenses or the reasonable value of such services of representatives of the Comptroller incurred in such investigation and audit; provided that all funds collected for audits and examinations shall be placed in a special fund in the Treasury and shall constitute a revolving fund which may be used from time to time by the

Comptroller in making such audits in addition to the general appropriation made for such purpose; and all of said funds to be placed in said special fund are hereby appropriated for such purpose.

"Section 8. The State of Texas shall have a first, superior, and preferred lien on all properties from which any gas is produced within the State of Texas, and upon all personal property situated thereon and used in connection therewith in producing such gas, to secure the payment of the taxes, penalties, and interest herein prescribed and imposed.

"Section 9. It is hereby made the duty of the Attorney General of the State of Texas to bring suit when necessary, in the name of the State of Texas, to recover any taxes which may become delinquent and be owing the State of Texas by any producer of gas within the State of Texas, together with the penalties and interest herein provided, and to foreclose the liens upon any properties from which any such gas is produced, as herein prescribed, if necessary, to satisfy any judgment obtained for such delinquent taxes, interest, or penalties which suits shall be brought in any court of competent jurisdiction in Travis County, Texas.

"Section 10. It shall be the duty of the Comptroller of Public accounts of the State of Texas to promulgate rules and regulations governing the detail administration of the terms and requirements of this Act not specifically mentioned herein.

"Section 11. All laws and parts of laws in conflict herewith are expressly repealed, provided, however, the rights of the State to collect any taxes, penalties or interest and the liens securing the payment thereof which may be repealed by the provisions of this Act, shall remain in full force and effect for the purpose of securing the State in the payment of any such taxes, penalties or interest which may be due and owing the State under the provisions of any such law.

"Section 12. The fact that the laws now imposing an occupation tax upon producers and/or importers of gas within the State of Texas is wholly inadequate and the State of Texas is losing millions of dollars in taxes each year constitutes an emergency and an imperative public necessity that the

constitutional rule, requiring bills to be read on three separate days in each House, be suspended, and the same is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted."

DANIEL,
BRADBURY.

Mr. Quinn offered the following amendment to the amendment by Mr. Daniel:

Amend the Daniel-Bradbury amendment to House Bill No. 46, Section 12, by striking out Sections "A" and "B" to said amendment, and insert in lieu thereof the following:

"A tax of one-fourth ($\frac{1}{4}$) of one (1c) cent per thousand cubic feet on all sour and casinghead gas produced and saved within this State or imported into the State or exported out of the State, and a tax of one-half ($\frac{1}{2}$) of one (1c) cent on each thousand cubic feet of sweet gas produced and saved within the State or imported into the State or exported out of the State; provided that a producer shall not pay a tax on gas produced and used by him for drilling of wells or reworking of old wells."

Mr. Frazer moved to table the amendment by Mr. Quinn.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—67

Alsup	Hankamer
Atchison	Hanna
Bergman	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Hartzog
Burton	Hodges
Butler of Brazos	Holland
Butler of Karnes	Hoskins
Caldwell	James
Canon	Jefferson
Collins	Jones of Atascosa
Cooper	Jones of Falls
Crossley	Knetsch
Daniel	Lanning
Dunagan	Lemens
Dunlap of Hays	Leonard
Dunlap of Kleberg	Lindsey
Duvall	Lotief
Fisher	Luker
Ford	Mauritz
Frazer	McConnell
Gibson	McFarland
Good	McKee

Morrison
Morse
Nicholson
Olsen
Padgett
Palmer
Reed of Dallas
Riddle
Roane
Roberts
Rogers

Sessions
Settle
Stanfield
Stinson
Tarwater
Tennyson
Thornton
Walker
Wells
Worley

Nays—35

Aikin
Beck
Broyles
Colson
Craddock
Fain
Farmer
Fox
Glass
Hardin
Herzik
Howard
Hunt
Hunter
Jones of Shelby
Jones of Wise
Lucas
McCalla

Morris
Patterson
Petsch
Quinn
Reed of Bowie
Roach of Angelina
Roach of Hunt
Roark
Russell
Rutta
Shofner
Smith
Stovall
Venable
Westfall
Wood of Harrison
Youngblood

Absent

Adamson
Ash
Adkins
Alexander
Bourne
Cagle
Celaya
Clayton
Colquitt
Cowley
Davison of Fisher
Davisson
of Eastland
Dickison
Dwyer
England
Fuchs
Graves
Greathouse
Hill

Hofheinz
Huddleston
Jackson
Keefe
King
Lange
Latham
Leath
McKinney
Moffett
Newton
Payne
Reader
Scarborough
Spears
Steward
Tillery
Waggoner
Wood of Montague
Young

Absent—Excused

Calvert
Davis
Fitzwater
Gray

Head
Hyder
Moore
Pope

On motion of Mr. Frazer, the amendment by Mr. Daniel was tabled.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 46, page 10, by striking out all lines from 36 to 40, and on page 11 by striking out all of lines from 1 to 11, and insert in lieu thereof the following:

"A tax equivalent to 1-8 of one cent for each thousand cubic feet of natural gas per quarter on all gas produced and saved within this State, or sold if imported into this State by the producer, and/or importers of such natural gas."

"This tax shall be in addition to all other taxes heretofore levied by the State of Texas."

On motion of Mr. Frazer, the amendment was tabled.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46 as follows:

Strike out all of lines 29 to 40 on page 10 of Section 12, and lines 1 to 11 on page 11, and substitute therefor these words:

"An occupation tax equivalent to one-fourth ($\frac{1}{4}$ c) cent per thousand cubic feet of natural gas produced within this State, or sold if imported into this State by the producer thereof, as and when produced within this State or the first sale within this State. This tax herein shall be in addition to all other taxes required to be paid by the producers producing or selling natural gas within this State. Provided, there shall be exempted from taxation under this Section one hundred million (100,000,000) cubic feet from the amount produced by each producer."

Mr. Frazer moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—59

Atchison
Bergman
Butler of Brazos
Butler of Karnes
Caldwell
Canon
Clayton
Collins
Colson
Cooper
Cowley
Crossley

Davison of Fisher
Dunlap of Hays
Dwyer
Fisher
Ford
Frazer
Gibson
Hankamer
Hanna
Harris of Dallas
Hartzog
Hill

Hofheinz	Nicholson
Holland	Padgett
Hoskins	Petsch
Howard	Reed of Dallas
Jackson	Riddle
James	Roberts
Knetsch	Rogers
Latham	Scarborough
Leath	Sessions
Lemens	Stanfield
Leonard	Stinson
Lotief	Tarwater
Mauritz	Thornton
McCalla	Wells
McConnell	Wood of Montague
McKee	Worley
McKinney	Young
Morse	

Nays—57

Adamson	Jones of Falls
Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Keefe
Ash	Lucas
Beck	Luker
Bourne	Morris
Bradbury	Newton
Bradford	Palmer
Broyles	Patterson
Burton	Payne
Cagle	Quinn
Calvert	Reed of Bowie
Craddock	Roach of Angelina
Davis	Roach of Hunt
Dickison	Roark
England	Russell
Fain	Rutta
Farmer	Shofner
Fox	Smith
Glass	Spears
Good	Stovall
Greathouse	Tillery
Hardin	Venable
Herzik	Waggoner
Hodges	Westfall
Huddleston	Wood of Harrison
Hunt	Youngblood
Hunter	

Absent

Alexander	Lange
Celaya	Lanning
Colquitt	Lindsey
Davisson	McFarland
of Eastland	Moffett
Dunagan	Morrison
Dunlap of Kleberg	Olsen
Duvall	Reader
Fuchs	Roane
Graves	Settle
Harris of Archer	Steward
Jefferson	Tennyson
King	Walker

Absent—Excused

Daniel	Hyder
Fitzwater	Jones of Atascosa
Gray	Moore
Head	Pope

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46 as follows:

Strike out all of lines 36 to 40 on page 10 of Section 12, and lines 1 to 11 on page 11, and substitute therefor these words:

"An annual occupation tax equivalent to one-eighth ($\frac{1}{8}$ c) cent per thousand cubic feet of natural gas produced within this State, or sold if imported into this State by the producer thereof, as and when produced within this State or the first sale within this State. This tax herein shall be in addition to all other taxes required to be paid by the producers producing or selling natural gas within this State. Provided, there shall be exempted from taxation under this section one hundred million (100,000,000) cubic feet from the amount produced by each producer."

Mr. Harris of Dallas moved the previous question on the passage of House Bill No. 46 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

(Mr. Greathouse in the Chair.)

Mr. Tarwater moved to table the amendment by Mr. Farmer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—41

Adamson	Hankamer
Bergman	Hanna
Butler of Karnes	Hill
Caldwell	Holland
Celaya	Hoskins
Colson	Jackson
Cooper	James
Cowley	Lanning
Davis	Latham
Davison of Fisher	Leath
Dunlap of Hays	Mauritz
Duvall	McCalla
Dwyer	McFarland
Frazer	Morse
Gibson	Nicholson
Gray	Petsch

Reed of Dallas	Stanfield
Riddle	Stinson
Roane	Tarwater
Rogers	Worley
Scarborough	
Nays—78	
Adkins	Keefe
Aikin	King
Alsup	Knetsch
Ash	Lemens
Atchison	Lindsey
Beck	Lotief
Bourne	Lucas
Bradbury	Luker
Bradford	McConnell
Broyles	McKinney
Burton	Morris
Butler of Brazos	Morrison
Cagle	Newton
Calvert	Olsen
Canon	Palmer
Craddock	Patterson
Dickison	Payne
Dunagan	Quinn
England	Reed of Bowie
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roark
Fox	Russell
Glass	Rutta
Good	Sessions
Greathouse	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Stovall
Herzik	Tennyson
Hodges	Tillery
Hofheinz	Venable
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Jefferson	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Youngblood

Absent

Alexander	Howard
Clayton	Lange
Collins	Leonard
Colquitt	McKee
Crossley	Moffett
Davisson	Padgett
of Eastland	Reader
Dunlap of Kleberg	Roberts
Ford	Settle
Fuchs	Steward
Graves	Thornton
Hartzog	Young

Absent—Excused

Daniel	Head
Fitzwater	Hyder

Jones of Atascosa Pope
Moore

(Speaker in the Chair.)

Mr. Quinn offered the following substitute for the amendment by Mr. Farmer:

Substitute for Farmer amendment to House Bill No. 46, Section 12, pages 10 and 11, by striking out all of Section 12, down to and including line 11, on page 11, of the printed bill, and insert in lieu thereof the following:

"Section 12. Each and every person, partnership or corporation who owns, controls, manages, leases or operates any natural gas well or natural gas pipe line or produces, distributes, imports or exports any natural gas shall be subject to and there is hereby levied and imposed, an occupation tax upon each producer, exporter, distributor and/or importer of natural gas a tax of one-half ($\frac{1}{2}$ c) cent per thousand cubic feet; said tax shall be paid only on gas sold for more than five (5) cents per thousand cubic feet; said payment shall be paid to the State Treasurer quarterly on or before the 25th day of January, April, July and October of each year, and at the time of remittance shall furnish a report to the Comptroller of Public Accounts, sworn to by such person before an official authorized to administer oath in this State, or if such person be other than an individual, sworn to by its president, secretary or other duly authorized official, on such forms as said Comptroller shall prescribe, showing the total amount of natural gas produced, sold exported and/or imported, providing that no producer shall pay a tax on the gas used as fuel in the drilling of gas or oil wells or the reworking of gas or oil wells."

Mr. Frazer moved to table the substitute amendment by Mr. Quinn.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—106

Adamson	Bourne
Adkins	Bradbury
Aikin	Broyles
Alexander	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Beck	Calvert
Bergman	Canon

Celaya	Latham
Clayton	Leath
Collins	Lemens
Cowley	Lotief
Craddock	Lucas
Crossley	Luker
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McConnell
Dickison	McFarland
Dunagan	McKinney
Dunlap of Hays	Moffett
Dwyer	Morris
England	Morrison
Fain	Newton
Farmer	Palmer
Fisher	Patterson
Ford	Petsch
Fox	Reed of Bowie
Frazer	Reed of Dallas
Gibson	Riddle
Glass	Roach of Angelina
Good	Roane
Gray	Roark
Greathouse	Roberts
Hankamer	Russell
Hanna	Scarborough
Hardin	Sessions
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Herzik	Steward
Hill	Stinson
Hodges	Stovall
Holland	Tennyson
Hoskins	Thornton
Huddleston	Tillery
Hunter	Waggoner
Jackson	Walker
James	Wells
Jones of Atascosa	Westfall
Jones of Falls	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Young
King	Youngblood
Knetsch	

Nays—12

Alsup	Roach of Hunt
Jones of Shelby	Rutta
Lanning	Stanfield
Lindsey	Tarwater
Nicholson	Venable
Quinn	Worley

Absent

Bradford	Dunlap of Kleberg
Cagle	Duvall
Caldwell	Fuchs
Colquitt	Graves
Colson	Hofheinz
Cooper	Howard
Davis	Hunt

Jefferson	Padgett
Lange	Payne
Leonard	Reader
McKee	Rogers
Morse	Spears
Olsen	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Head	Pope

Question then recurring on the amendment by Mr. Farmer, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—75

Adamson	Jones of Shelby
Adkins	Jones of Wise
Aikin	Keefe
Alsup	King
Ash	Knetsch
Atchison	Leath
Beck	Lemens
Bourne	Lindsey
Bradbury	Lucas
Broyles	Luker
Burton	McConnell
Cagle	Morris
Calvert	Morrison
Canon	Newton
Collins	Palmer
Craddock	Patterson
Davison of Fisher	Quinn
Davisson	Reed of Bowie
of Eastland	Roach of Angelina
Dickison	Roach of Hunt
England	Roark
Fain	Russell
Farmer	Rutta
Fisher	Shofner
Ford	Smith
Fox	Spears
Glass	Stinson
Gray	Stovall
Greathouse	Tennyson
Hardin	Tillery
Harris of Archer	Venable
Herzik	Waggoner
Hodges	Wells
Hofheinz	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Hunter	Young
Jones of Falls	Youngblood

Nays—53

Alexander	Caldwell
Bergman	Celaya
Butler of Brazos	Clayton
Butler of Karnes	Colson

Cooper	McCalla
Cowley	McFarland
Crossley	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dwyer	Morse
Frazer	Nicholson
Gibson	Petsch
Good	Reed of Dallas
Hankamer	Riddle
Hanna	Roane
Harris of Dallas	Roberts
Hartzog	Rogers
Hill	Scarborough
Holland	Sessions
Hoskins	Settle
Jackson	Stanfield
James	Steward
Jones of Atascosa	Tarwater
Lanning	Thornton
Latham	Walker
Lctief	Worley
Mauritz	

Absent

Bradford	Jefferson
Colquitt	Lange
Davis	Leonard
Dunlap of Kleberg	Olsen
Duvall	Padgett
Fuchs	Payne
Graves	Reader
Howard	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Head	Pope

Mr. Farmer moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question—Shall House Bill No. 46 pass to engrossment?

REASONS FOR VOTE

We voted yesterday for the "Roach of Hunt amendment" to House Bill No. 46, increasing the crude oil tax from the present 2c per barrel to 6c per barrel because it will bring in an additional \$16,000,000 new revenue annually and as more than 85% of the crude oil produced in Texas is shipped out of Texas to other states and foreign nations, it means that the consumers of Texas will pay 15% of the increase, or \$2,400,000, and the other states such as New York, Massachusetts, and New Jersey, who are using the 85% of our crude oil, will pay into

our State Treasury \$13,600,000 annually. The 15% increase to the people of Texas will only increase their gasoline tax to less than 1-3 cent per gallon.

His amendment will give \$12,000,000 to the Old Age Pension Fund and \$4,000,000 to the Public School Fund. In our opinion, it was our only hope to avoid a general sales tax in Texas, and yet, be very liberal with the Old Age Pension payments. The oil industry is under taxed, and if the people of Texas had such a "lobby" to represent them as the big companies, it would have been adopted.

The people of Texas are now paying about \$1.00 in gasoline taxes on every barrel of crude, while the other states who use our crude pay us only 2c per barrel. The records show that Texas produces 43% of all the crude oil in the United States.

HARDIN,
HUDDLESTON,
PALMER,
CAGLE,
HUNT,
SPEARS,
DICKISON,
JONES of Falls.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. C. R. No. 6, Granting Oscar Flowers permission to sue the State.

MESSAGE FROM THE SENATE

Austin, Texas, October 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of District Attorneys in Judicial Districts composed of two or more counties; providing that this Act shall not deprive such District Attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such District Attorneys; etc., and declaring an emergency."

(With amendments.)

H. B. No. 54, A bill to be entitled
"An Act to amend Article 2956
Revised Civil Statutes of Texas of
1925, as amended by the Regular Ses-
sion of the Forty-fourth Legislature,
and declaring an emergency."

(With amendments.)

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 54 WITH SENATE AMENDMENTS

Mr. Dunagan called up from the
Speaker's table, with Senate amend-
ments, for consideration of the amend-
ments,

H. B. No. 54, A bill to be entitled
"An Act to amend Article 2956
Revised Civil Statutes of Texas of
1925, as amended by the Regular Ses-
sion of the Forty-fourth Legislature,
and declaring an emergency."

The Speaker laid the bill before the
House, with Senate amendments.

On motion of Mr. Dunagan, the
House concurred in the Senate amend-
ments, by the following vote:

Yeas—103

Adkins	Frazer
Alexander	Gibson
Alsup	Glass
Ash	Good
Beck	Gray
Bergman	Greathouse
Bourne	Hanna
Bradbury	Harris of Dallas
Bradford	Hill
Burton	Hodges
Cagle	Holland
Caldwell	Hoskins
Calvert	Huddleston
Canon	Hunt
Celaya	Hunter
Collins	Jackson
Cooper	James
Cowley	Jones of Atascosa
Craddock	Jones of Falls
Crossley	Jones of Shelby
Davis	Jones of Wise
Davison of Fisher	Keefe
Dickison	King
Dunagan	Knetsch
Dunlap of Hays	Lanning
Dwyer	Latham
England	Leath
Farmer	Lemens
Fisher	Lindsey
Ford	Lotief
Fox	Lucas

Mauritz	Russell
McCalla	Sessions
McConnell	Settle
McFarland	Smith
McKinney	Spears
Moffett	Steward
Morris	Stinson
Morrison	Stovall
Morse	Tarwater
Newton	Tennyson
Nicholson	Thornton
Palmer	Venable
Patterson	Waggoner
Petsch	Walker
Reed of Bowie	Wells
Reed of Dallas	Westfall
Riddle	Wood of Harrison
Roach of Angelina	Worley
Roach of Hunt	Young
Roark	Youngblood
Rogers	

Nays—18

Adamson	Hofheinz
Aikin	McKee
Atchison	Roane
Broyles	Roberts
Butler of Brazos	Rutta
Butler of Karnes	Scarborough
Clayton	Shofner
Fain	Tillery
Hartzog	Wood of Montague

Present—Not Voting

Luker

Absent

Colquitt	Herzik
Colson	Howard
Davisson	Jefferson
of Eastland	Lange
Dunlap of Kleberg	Leonard
Duvall	Olsen
Fuchs	Padgett
Graves	Payne
Hankamer	Quinn
Hardin	Reader
Harris of Archer	Stanfield

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Head	Pope

RECESS

Mr. Hartzog moved that the House
recess to 9:30 o'clock a. m., tomorrow.

Mr. Walker moved that the House
recess to 8:00 o'clock p. m., today.

Question recurring on the motion
by Mr. Walker, yeas and nays were
demanded.

The motion prevailed by the following vote:

Yeas—65

Adamson	Knetsch
Adkins	Lanning
Aikin	Latham
Alexander	Leath
Alsup	Lemens
Bergman	Lindsey
Bourne	Lotief
Bradbury	Lucas
Bradford	Mauritz
Butler of Brazos	McConnell
Cagle	Moffett
Crossley	Morrison
Dickison	Newton
Dunlap of Hays	Petsch
England	Quinn
Fain	Reed of Dallas
Fisher	Roark
Fox	Rogers
Gibson	Russell
Glass	Rutta
Good	Shofner
Greathouse	Stinson
Hardin	Stovall
Harris of Archer	Tennyson
Herzik	Thornton
Holland	Tillery
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Jackson	Westfall
James	Wood of Harrison
Jones of Wise	Wood of Montague
King	

Nays—58

Ash	Hartzog
Atchison	Hill
Beck	Hodges
Broyles	Hofheinz
Burton	Hoskins
Butler of Karnes	Jones of Falls
Caldwell	Keefe
Calvert	Luker
Canon	McFarland
Celaya	McKee
Clayton	McKinney
Collins	Morris
Colquitt	Morse
Colson	Nicholson
Cooper	Padgett
Cowley	Palmer
Craddock	Patterson
Davison of Fisher	Payne
Dunagan	Reed of Bowie
Dwyer	Riddle
Farmer	Roach of Angelina
Ford	Roach of Hunt
Frazer	Roane
Hankamer	Roberts
Harris of Dallas	Scarborough

Sessions
Settle
Smith
Stanfield

Steward
Worley
Young
Youngblood

Absent

Davis	Jones of Atascosa
Davisson	Jones of Shelby
of Eastland	Lange
Dunlap of Kleberg	Leonard
Duvall	McCalla
Fuchs	Olsen
Graves	Reader
Gray	Spears
Hanna	Tarwater
Howard	Venable
Jefferson	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Head	Pope

The House, accordingly, at 5:30 o'clock p. m., took recess to 8:00 o'clock p. m., today.

NIGHT SESSION

The House met at 8:00 o'clock p. m., and was called to order by the Speaker

Mr. Spears moved a call of the House for the purpose of securing and maintaining a quorum until 10:00 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Spears, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Petsch, Mr. Moffett and Mr. Graves:

H. B. No. 77, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulations, and regulating the manufacture, sale, importation, transportation, and possession of alcoholic liquors; providing for the right of local option; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. McConnell:

H. B. No. 78, A bill to be entitled "An Act to raise revenue for the purpose of helping to compensate the old age pension and to regulate the manufacture, sale, transportation, barter and exchange of intoxicating liquors with reference thereto, and providing for the collection of revenue received therefrom; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Morse, Mr. Frazer, Mr. Knetsch, Mr. Ford, Mr. Thornton, Mr. Hankamer, Mr. Hanna, Mr. Good, Mr. Dunagan, Mr. Hoskins, Mr. Jefferson, Mr. Jackson, Mr. Collins, Mr. Reed of Dallas, Mr. Hofheinz, Mr. Colson, Mr. Greathouse, Mr. Stanfield, Mr. Dwyer, Mr. Scarborough, Mr. Nicholson, Mr. Celaya, Mr. Clayton, Mr. Young, Mr. Hartzog, Mr. McKinney, Mr. McCalla, Mr. Howard, Mr. Harris of Dallas, Mr. Holland, Mr. Olsen, Mr. Rutta, Mr. Smith, Mr. Crossley, Mr. Reader, Mr. McFarland, Mr. Padgett, Mr. Leath, Mr. Duvall, Mr. Fuchs, Mr. Roberts, Mr. Spears, Mr. Butler of Karnes, Mr. Dickison, Mr. Herzik, Mr. King and Mr. Hill:

H. B. No. 79, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Knetsch and Mr. Roane:

H. B. No. 80, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulations, the right of local option; prescribing permits, and otherwise regulating the sale of the various liquors mentioned in this Act; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Duvall:

H. B. No. 81, A bill to be entitled "An Act regulating the sale of liquor in the State of Texas; providing for

permits, licenses and taxes; and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. McCalla:

H. B. No. 82, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Moffett, Mr. Beck, Mr. Petsch, Mr. Graves, Mr. Tarwater, Mr. Palmer and Mr. Roach of Angelina:

H. B. No. 83, A bill to be entitled "An Act providing for the regulation and control of and traffic in alcoholic liquors, establishing a board to administer said Act, and defining the duties and powers thereof; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Craddock:

H. B. No. 84, A bill to be entitled "An Act defining the 'open saloon,' and providing punishment for its operation, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. McKinney:

H. B. No. 85, A bill to be entitled "An Act to amend Section 9 of Chapter 116, General Laws of the State of Texas, passed by the Forty-third Legislature, relating to the manufacture and sale of beer in Texas, so as to make it unlawful for any manufacturer or distributor of beer, directly or indirectly or through a subsidiary or affiliate, an agent or any employee, or by any officer, director or firm member, to own any interest in premises or the license upon or under which beer is sold for consumption on the premises; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Jefferson, Mr. Duvall and Mr. Dickison:

H. B. No. 86, A bill to be entitled "An Act relating to the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; etc., and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bradbury, Mr. Hyder, Mr. Hardin, Mr. Jones of Shelby, Mr. Venable, Mr. Jones of Atascosa, Mr. Craddock, Mr. Alsup, Mr. Davison of Fisher, Mr. Moffett, Mr. Harris of Archer, Mr. Roach of Hunt, Mr. Cooper, Mr. Graves, Mr. Hunt, Mr. Adamson, Mr. Petsch, Mr. Westfall, Mr. Hunter, Mr. Youngblood, Mr. Fain, Mr. Stovall, Mr. Fox and Mr. Morris:

H. B. No. 87, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulations, the right of local option; prescribing permits; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 46, relative to levying and imposing certain occupation taxes.

The bill having heretofore been read second time.

Mr. Lanning offered the following amendment to the bill:

Amend Farmer amendment by adding the following:

"Provided that casinghead gas and sour gas shall pay a tax of 1% of market value per 1,000 cubic feet of gas produced and saved."

LANNING,
LOTIEF.

Mr. Frazer moved to table the amendment by Mr. Lanning.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—67

Adkins	Hofheinz
Aikin	Howard
Alsup	Hunter
Bergman	Jackson
Broyles	James
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Calvert	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Collins	Knetsch
Cooper	Lucas
Craddock	Luker
Crossley	McKee
Davis	Morris
Dickison	Palmer
Dunagan	Quinn
Dunlap of Hays	Riddle
Dunlap of Kleberg	Roach of Angelina
Dwyer	Roach of Hunt
Fain	Roark
Farmer	Roberts
Ford	Russell
Fox	Rutta
Frazer	Steward
Glass	Stinson
Good	Stovall
Greathouse	Tillery
Hankamer	Venable
Hanna	Waggoner
Hardin	Wells
Herzik	Wood of Harrison
Hodges	

Nays—45

Adamson	McKinney
Alexander	Moffett
Bourne	Morrison
Bradbury	Newton
Bradford	Nicholson
Butler of Karnes	Olsen
Cagle	Patterson
Caldwell	Reed of Bowie
Davison of Fisher	Roane
Fisher	Rogers
Gibson	Scarborough
Harris of Archer	Settle
Hill	Shofner
Holland	Spears
Hoskins	Stanfield
Huddleston	Tarwater
Lanning	Tennyson
Latham	Thornton
Lindsey	Walker
Lotief	Wood of Montague
Mauritz	Worley
McConnell	Young
McFarland	

Absent

Ash	Beck
Atchison	Colquitt

Colson	Lemens
Cowley	Leonard
Davisson	McCalla
of Eastland	Morse
Duvall	Padgett
England	Payne
Fuchs	Petsch
Graves	Reader
Harris of Dallas	Reed of Dallas
Hartzog	Sessions
Hunt	Smith
Jefferson	Westfall
Lange	Youngblood
Leath	

Absent—Excused

Daniel	Hyder
Fitzwater	Moore
Gray	Pope
Head	

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 46, by adding a new section to be known as Section 12a at the end of Section 12 as follows:

"Section 12a. Each individual, company, corporation or association owning, operating, distributing, managing or controlling the sale or manufacture in this State of any carbon black shall pay to the State Treasurer one (1%) per cent of the gross amount of each sale within this State."

Mr. Worley moved to table the amendment by Mr. Quinn.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66

Adamson	England
Alexander	Frazer
Bourne	Gibson
Bradford	Good
Broyles	Hankamer
Butler of Karnes	Hanna
Caldwell	Hartzog
Calvert	Hill
Clayton	Hoskins
Collins	Howard
Colson	Hunt
Cooper	Jackson
Cowley	James
Craddock	Jones of Atascosa
Crossley	Jones of Falls
Davis	Jones of Wise
Dickison	Lanning
Dunagan	Latham
Dunlap of Hays	Lotief
Dwyer	Luker

Mauritz	Rogers
McConnell	Scarborough
McKee	Spears
Moffett	Steward
Morris	Stinson
Morrison	Tarwater
Newton	Thornton
Nicholson	Waggoner
Reed of Dallas	Walker
Riddle	Wells
Roane	Wood of Harrison
Roark	Worley
Roberts	Young

Nays—55

Adkins	King
Aikin	Knetsch
Alsup	Lemens
Bergman	Lindsey
Bradbury	Lucas
Burton	McFarland
Butler of Brazos	McKinney
Cagle	Olsen
Canon	Palmer
Davison of Fisher	Patterson
Duvall	Quinn
Fain	Reed of Bowie
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Russell
Fox	Rutta
Glass	Sessions
Greathouse	Settle
Hardin	Shofner
Harris of Archer	Smith
Herzik	Stovall
Hodges	Tennyson
Hofheinz	Tillery
Holland	Venable
Huddleston	Westfall
Hunter	Wood of Montague
Jones of Shelby	Youngblood
Keefe	

Absent

Ash	Lange
Atchison	Leath
Beck	Leonard
Celaya	McCalla
Colquitt	Morse
Davisson	Padgett
of Eastland	Payne
Fuchs	Petsch
Graves	Reader
Harris of Dallas	Stanfield
Jefferson	

Absent—Excused

Daniel	Head
Dunlap of Kleberg	Hyder
Fitzwater	Moore
Gray	Pope

Mr. Dunlap of Hays offered the following amendment to the bill:

Amend House Bill No. 46, by adding thereto a new Section No. 12a, to read as follows:

"Section 12a. Each individual, company, association, or corporation engaged in the business of printing, publishing and/or distributing a daily newspaper having a daily circulation of five (500) hundred or more papers, in this State, shall make quarterly on the first days of January, April, July, and October of each year, a report to the Comptroller under oath of the individual or the president, treasurer, or superintendent of such company, association or corporation, showing the gross amount received from business done within this State in the payment of charges from all advertising, printing, publishing, distributions and sales of newspapers or from any other sources of revenue received from business done within this State during the quarter next preceding. Said individuals, companies, associations or corporations at the time of making said report shall pay to the State Treasurer an occupation tax for the quarter beginning on said date equal to one (1%) per cent of said gross receipts as shown by said report."

DUNLAP of Hays,
BUTLER of Brazos.

Mr. Hoskins offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend Dunlap of Hays amendment by changing the words "500 circulation" to "1000 circulation."

Mr. Cooper offered the following substitute for the amendment by Mr. Hoskins:

Substitute for amendment to House Bill No. 46, by amending Dunlap of Hays amendment, as follows:

Change figures and words where they read "five hundred" circulation to "five thousand."

COOPER,
WAGGONER,
DUNAGAN.

Mr. Roach of Hunt raised a point of order on consideration of the Dunlap amendment, because the amendment seeks to tax all printing plants within this State which has a daily newspaper of over 500 circulation while it exempts from its provisions, those printing plants which do not have a daily

newspaper of over 500 circulation, which renders the amendment unconstitutional.

The Speaker overruled the point of order.

Mr. Butler of Brazos moved to table the substitute amendment by Mr. Cooper.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—34

Alexander	Lotief
Broyles	McFarland
Butler of Brazos	McKinney
Clayton	Moffett
Collins	Nicholson
Colson	Palmer
Craddock	Patterson
Davis	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Farmer	Russell
Fox	Scarborough
Fuchs	Sessions
Harris of Archer	Spears
Herzik	Tennyson
Hofheinz	Walker
Holland	Young
King	Youngblood

Nays—85

Adamson	Good
Adkins	Hankamer
Aikin	Hanna
Alsup	Hardin
Atchison	Harris of Dallas
Bourne	Hartzog
Bradbury	Hill
Bradford	Hodges
Burton	Hoskins
Butler of Karnes	Howard
Cagle	Huddleston
Caldwell	Hunt
Calvert	Hunter
Canon	Jackson
Celaya	James
Cooper	Jones of Shelby
Cowley	Jones of Wise
Crossley	Knetsch
Davison of Fisher	Lanning
Dickison	Latham
Dunagan	Lemens
Duvall	Leonard
Dwyer	Lindsey
England	Lucas
Fain	Luker
Fisher	Mauritz
Frazer	McConnell
Gibson	McKee
Glass	Morris

Morrison	Steward
Newton	Stinson
Olsen	Stovall
Quinn	Tarwater
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Venable
Roark	Waggoner
Roberts	Wells
Rogers	Westfall
Rutta	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Stanfield	

Absent

Ash	Keefe
Beck	Lange
Bergman	Leath
Colquitt	McCalla
Davisson	Morse
of Eastland	Padgett
Ford	Payne
Graves	Petsch
Greathouse	Reader
Jefferson	Riddle
Jones of Atascosa	Settle
Jones of Falls	

Absent—Excused

Daniel	Head
Dunlap of Kleberg	Hyder
Fitzwater	Moore
Gray	Pope

Question then recurring on the substitute amendment by Mr. Cooper, it was adopted.

Question recurring on the amendment by Mr. Hoskins as substituted, it was adopted.

Mr. Greathouse offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend the amendment as follows:

Strike out the words, "printing, publishing, distributions and sales of newspapers or from any other sources of revenue."

Mr. Dunlap of Hays moved to table the amendment by Mr. Greathouse.

The motion to table was lost.

Question recurring on the amendment by Mr. Greathouse, it was adopted.

Mr. Worley offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend Dunlap of Hays amendment by striking out the figures "1%" and inserting in lieu thereof the figures "½ of 1%."

Question—Shall the amendment by Mr. Worley be adopted?

RECESS

On motion of Mr. Celaya, the House at 10:00 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committee have filed favorable reports on bill and resolutions as follows:

Revenue and Taxation: House Bill No. 58.

State Affairs: House Concurrent Resolutions Nos. 3 and 6.

The Committee on Revenue and Taxation filed adverse reports on bills as follows:

House Bills Nos. 2, 4, 11, 12, 16, 18, 29, 33, 38, 42, 47, 48, 64 and 65.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose, defining the term 'extended municipal school district' and the term 'Governing Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, October 30, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills to whom was referred

H. C. R. No. 6, Granting Oscar
Flowers permission to sue the State
of Texas.

Has carefully compared same and
finds it correctly enrolled.

ATCHISON, Chairman.

FIFTH DAY

(Continued)

(Thursday, October 31, 1935)

The House met at 9:30 o'clock a. m.,
and was called to order by Speaker
Stevenson.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Adkins was granted leave of
absence for today, on account of ill-
ness, on motion of Mr. Jones of Falls.

Mr. Greathouse was granted leave
of absence for today, on account of
important business, on motion of Mr.
Wells.

Mr. Head was granted leave of ab-
sence for this morning, on account of
illness, on motion of Mr. Wells.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence
of the House, after giving due notice
thereof, and its caption had been read,
the following enrolled bill:

H. B. No. 54, "An Act to amend
Article 2956 Revised Civil Statutes of
Texas of 1925, as amended by the Reg-
ular Session of the Forty-fourth
Legislature, etc., and declaring an
emergency."

HOUSE BILL NO. 46 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House,
as pending business, on its passage
to engrossment,

H. B. No. 46, A bill to be entitled
"An Act levying and imposing occu-
pation taxes, in addition to those now
prescribed by law on certain indus-

tries and public utilities; and natural
resources, such as gas, sulphur and
oil; providing for certain exemptions
and defining terms used in the Act;
taxes on soft drinks; etc., and declar-
ing an emergency."

The bill having heretofore been read
second time, with amendment by Mr.
Dunlap of Hays, and amendment by
Mr. Worley to the amendment, pend-
ing.

The House having agreed to con-
sider the bill section by section.

(Mr. Walker in the Chair.)

Question recurring on the amend-
ment by Mr. Worley, it was adopted.

On motion of Mr. Cooper, the
amendment by Mr. Dunlap of Hays,
as amended, was tabled.

Mr. Wells moved the previous ques-
tion on the amendments on the Speak-
er's desk, and the passage of House
Bill No. 46 to engrossment, and the
motion was duly seconded.

Question recurring on the motion
for the main question, yeas and nays
were demanded.

The motion was lost by the follow-
ing vote:

Yeas—44

Alexander	Lemens
Alsup	Lotief
Atchison	Lucas
Bradbury	McFarland
Calvert	McKee
Crossley	McKinney
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Reader
Ford	Reed of Bowie
Frazer	Reed of Dallas
Glass	Shofner
Gray	Stinson
Harris of Archer	Tarwater
Harris of Dallas	Thornton
Herzik	Tillery
Holland	Venable
Hunt	Waggoner
Hunter	Wells
Jefferson	Westfall
Jones of Shelby	Worley
Jones of Wise	Young
Knetsch	

Nays—59

Adamson	Butler of Karnes
Aikin	Cagle
Bergman	Caldwell
Bourne	Canon
Bradford	Celaya
Broyles	Clayton
Burton	Cooper